UNITED STATES PATENT AND TRADEMARK OFFICE

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10/579,685	05/17/2006	Carlos Henrique Arglebe Gilek	11371-117	9592

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EXAMINER
CHAI, LONGBIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 May 2006</u>.
2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-17</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>17 May 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☒ All　b)☐ Some * c)☐ None of:
　　　1.☒ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>5/17/2006</u>.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) – (d) is

acknowledged.

The application is filed on 5/17/2006 but is a 371 case of PCT/EP04/52890

application filed on 11/9/2004 and has a foreign priority application filed on 11/19/2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Affleck et al. (U.S. Patent 2004/0260782), in view of Thompson (U.S. Patent

2005/0055709).

As per claim 1 and 5, Affleck teaches a method for accessing a data processing

system that is formed from data processing units networked to one another, the method

comprising:

providing a first authentication that authenticates a system administrator
(Affleck: Figure 4 / Element 410, Figure 5 / Element 550, Para [0066] Line 1 – 2: the

security module within the ADMIN module / program allows an authenticated system

administrator to edit access rights for each of the system technicians),

authenticating the system administrator on a first data processing unit by

transferring the first authentication to an authentication program (Affleck: Figure 4

/ Element 410, Figure 5 / Element 550, Para [0066] Line 1 – 2: the security module

within the ADMIN module allows an authenticated system administrator to edit access

rights for each of the system technicians),

providing a second authentication that authenticates a system technician
(Affleck: Para [0066]),

authenticating the system technician on a second data processing unit
(Affleck: Figure 11 / Element 140, Para [0143] Line 8 – 10: a technician PC is qualified

as a second data processing unit) **by transferring the second authentication to the**

authentication program unit (Affleck: Para [0066]) and **generating an identification**

information item that identifies the carrier (see Thompson below) **of the second**

authentication (Affleck: Para [0066] Line 9 – 13: a specific identification information is

assigned to a system technician by the system administrator) — However, Affleck does

not disclose expressly that identification information can be stored on an authentication

medium carrier).

Thompson teaches the identification information can be stored on an

authentication medium / carrier (Thompson: Para [0004]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teaching of Thompson within the system of Affleck

because (a) Affleck teaches allowing the system administrator to edit access rights of

each of the technicians that may request to access the system based upon the input of

authentication information (Affleck: Para [0066]), and (b) Thompson teaches the

authentication information and collected work log data can be effectively presented from

an authentication medium / carrier on an access administration system operatively

connected to the authentication device (Thompson: Para [0004] Line 3 – 6).

displaying the identification information item on the first data processing

unit of the system administrator (Affleck: Para [0066] Line 2 – 4 / 10 – 13: (a)

individual technicians / groups of technicians may be set or edited and logon attempts

may be monitored by the system administrator and (b) since the administrator can

restrict or <u>delete the technician name / group and associated authentication information</u>,

as taught by Affleck, the technician name and associated authentication information

must be displayed to the administrator <u>beforehand</u>), and

enabling access authorization to the system technician and automatic

triggering a function that generates and stores a log file that logs the activity of

the system technician on the data processing system (Thompson: Para [0004] Line

5 – 6, Para [0029] Line 4 – 5 and Para [0035] Line 1 – 3: automatic and manual

triggering a work-log analysis function by a system administrator).

As per claim 9, the claim limitations are met as the same reasons as that set

forth in the paragraph above regarding to claim 1 with the exception of the feature the

enabling of an access authorization is done via the system administrator by manually

triggering a function that is provided for this purpose in the authentication program, and

can be accessed exclusively by the system administrator. However, Thompson further

teaches manually triggering a function that is provided for this purpose in the

authentication program, and can be accessed exclusively by the system administrator

(Thompson: Para [0004] Line 5 – 6, Para [0029] Line 4 – 5 and Para [0035] Line 1 – 3:

automatic and manual triggering a work-log analysis function by a system administrator

<u>in order to disable</u> an individual access cards).

As per claim 2, Affleck as modified teaches the second authentication is

compared in the authentication program to a file that contains the second

authentication, and when there is correspondence with the second authentication, a

corresponding information item is transferred to the system administrator (Affleck: Para

[0066] Line 1 – 5: edit a file that contains access rights of each of technicians).

As per claim 3, Affleck as modified teaches the second authentication contained

in the file is assigned an identification information item that is specific thereto (Affleck:

Para [0066] Line 1 – 5 & Line 10 – 13: a file that contains technician names / groups of

technicians).

As per claim 4, Affleck as modified teaches the identification information item comprises the name of the system technician (Affleck: Para [0066] Line 1 – 5 & Line 10 – 13: a file that contains technician names / groups of technicians).

As per claim 6 and 7, Affleck as modified teaches the authentication code is stored in a mobile memory unit that can be connected to the data processing system to transmit data (Thompson: Para [0004] and [0021] Line 8 – 11: authentication card).

As per claim 8, Affleck as modified teaches the authentication card has a memory that stores the log file, an information item, or the combination thereof that permits access to the log file (Thompson: Para [0021] Line 8 – 11 and Para [0004] Line 4 – 6: authentication medium / card to collect the work log data).

As per claim 10, Affleck as modified teaches the data processing system processes data that can be accessed by an individual with authorization, or by individuals with a simple authorization according to the two man principle when the particular authorization is not present (Affleck: Para [0066] Line 1 – 5: two man principle of authentication between an administrator and technicians).

As per claim 11 and 16, Affleck as modified teaches proof of the particular authorization is given by transferring a third authentication to the data processing

system (Affleck: Para [0066] Line 15 – 19: the authentication of other technicians is

qualified as a third authentication).

As per claim 12, Affleck as modified teaches the data is personal data that

requires protection (Affleck: Para [0066]).

As per claim 13, Affleck as modified teaches the connection between the first

data processing unit and the second data processing unit is established via the Internet

or via an intranet (Affleck: Figure 2).

As per claim 14, Affleck as modified teaches the identification information item

comprises the membership of the system technician of a specific organization n

(Affleck: Para [0066] Line 1 – 5 & Line 10 – 13: a file that contains technician names /

groups of technicians).

As per claim 15, Affleck as modified teaches the authentication code is

transferred to the authentication program by a keypad that is provided on a data

processing unit (Affleck: Para [0066] Line 5 – 7 and Para [0010]: entering the

authentication data via an user interface including a keyboard).

As per claim 17, Affleck as modified teaches the personal data is patient data

(Affleck: Para [0006]: samples of patients).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONGBIT CHAI whose telephone number is (571)272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Longbit Chai/

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09/10/2008